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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARGARET LEE and LINDA THOMPSON,

Plaintiffs,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY; DOES I through
X, inclusive; and ROE CORPORATIONS I
through V, inclusive,

Defendants.

CASE NO.: 2:14-cv-2197-GMN-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(FIRST REQUEST)**

Plaintiffs, Margaret Lee and Linda Thompson, by and through their counsel of record, Julie A. Mersch, Esq., and Defendant State Farm Mutual Automobile Insurance Company ("State Farm"), by and through its counsel of record, James E. Harper, Esq., hereby submit the instant Stipulation and Order to Extend Discovery Deadlines (First Request) for this Honorable Court's review and consideration.

Based upon the following, the parties request that this Court extend the current discovery deadlines by ninety (90) days.

I. FACTUAL BACKGROUND

This lawsuit arises out of a dispute between Plaintiffs and State Farm with respect to Plaintiffs' claim against State Farm for undersinsured motorist ("UIM") benefits under Margaret Lee's State Farm issued automobile insurance policy. Plaintiffs were involved in an automobile accident on February 27, 2013, which caused them bodily injury. Plaintiffs claim that the value of their respective damages exceeds the available insurance proceeds, including the insurance proceeds of the driver of the vehicle who struck them, and that they are owed UIM benefits under Margaret Lee's State Farm policy. Plaintiffs have also alleged, inter alia, tort and statutory claims, sounding in bad faith.

Plaintiffs commenced the lawsuit in the Eighth Judicial District Court on November 3, 2014. Service of the summons and complaint upon State Farm was then effected by service upon the Commissioner of Insurance of the State of Nevada on November 26, 2014. Thereafter, State Farm timely removed the action to federal court on December 24, 2014. (Doc. # 1.) State Farm filed its Answer on January 23, 2015. (Doc. # 11.) Plaintiffs' amended their complaint on February 5, 2015 (Doc. # 16), and State Farm filed its answer to the amended complaint on February 19, 2015. (Doc. #18.) On February 27, 2015, the Court entered an Order granting the parties' Stipulated Discovery Plan and Scheduling Order. (Doc. # 20.)

II. STATEMENT OF DISCOVERY COMPLETED:

- a. The parties have produced initial disclosures pursuant to FRCP 26(f).
- b. State Farm has propounded written discovery on Plaintiffs.
- c. After two extensions, Plaintiffs responded to State Farm's written discovery requests on May 15, 2015.
- d. On March 26, 2015 and May 19, 2015, Plaintiffs provided State Farm with medical authorizations, allowing State Farm to obtain their medical records from their medical providers.

- e. On May 19, 2015, State Farm conducted the deposition of Plaintiff Linda Thompson.
- f. The Deposition of Plaintiff Margaret Lee is scheduled for June 3, 2015.
- g. The parties are working together to notice the depositions of State Farm's claim personnel.
- h. State Farm has requested Plaintiffs' medical records from their respective medical providers. State Farm has not yet received any of the requested medical records.

III. DESCRIPTION OF REMAINING DISCOVERY TO BE COMPLETED

- a. State Farm needs to obtain and review all of Plaintiffs' medical records.
- b. State Farm needs to conduct the deposition of Plaintiff Margaret Lee.
- c. State Farm needs to conduct the depositions of any percipient witnesses.
- d. Plaintiffs need to conduct the depositions of State Farm's claim personnel.
- e. The parties need to disclose expert witnesses.
- f. Deposition(s) of Plaintiffs' treating physicians.
- g. Deposition(s) of State Farm's Rule 30(b)(6) witness(es).
- h. The parties need to disclose rebuttal expert witnesses..
- i. Potentially conduct the IMEs of Plaintiffs.
- j. Depositions of experts.

IV. REASONS WHY DISCOVERY NOT COMPLETED WITHIN PRIOR TIME LIMITS

Since the February 27, 2015 Discovery Plan and Scheduling Order (Doc. # 20), the parties have been actively engaged in discovery. As noted above, State Farm propounded written discovery on Plaintiffs, and Plaintiffs have now answered the discovery. State Farm has also begun collecting Plaintiffs' medical records, with the medical authorizations that were provided. Although the parties were able to complete Plaintiff Linda Thompson's deposition on May 19, 2015, the

1 deposition took longer than anticipated and, as such, Plaintiff Margaret Lee's deposition was
2 rescheduled for June 3, 2015.

3 Most significantly, Plaintiff Linda Thompson offered testimony at her May 19, 2015
4 deposition which led counsel to believe that there may be additional providers and/or treatment of
5 which counsel had no knowledge. In order to ensure that the parties' respective experts have all the
6 records related to the accident—especially as Plaintiffs' primary claim is for breach of contract, i.e.,
7 a dispute over the value of their UIM claims, the parties request additional time to conduct discovery
8 so they can obtain all of Plaintiffs' medical records and evidence in support of their respective case
9 and defense. Despite the parties' best efforts to obtain Plaintiffs' medical records, it appears that
10 additional records must be requested and obtained from recently identified medical providers.
11 Additional time is, therefore, required for the parties to request Plaintiffs' medical records from
12 those providers so that their respective experts may consider that information, also.

13
14 Based on the foregoing, the parties respectfully request an extension of ninety (90) days in
15 order to conduct the necessary discovery so that their respective experts may consider the
16 information in preparation of their initial expert reports, which, at the same time, will result in all
17 remaining discovery deadlines being extended by ninety (90) days. This extension request is made in
18 good faith, jointly by the parties, and not for the purpose of delay.

19 **V. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

20 It is hereby stipulated that all discovery deadlines be extended for a period of ninety (90)
21 days. If approved, the discovery dates and deadlines would be modified as follows:

22 Event	Current Deadline	Proposed Deadline
23 Last Day to File Interim Status Report	06.19.2015	09.17.2015
24 Disclosure of Initial Experts	06.19.2015	09.17.2015
25 Disclosure of Rebuttal Experts	07.20.2015	10.19.2015

1	Last Day to File Motions to Extend Discovery Deadlines	05.29.2015	08.27.2015
2	Close of Discovery	08.18.2015	11.16.2015
3	Last Day to File Dispositive Motions	09.17.2015	12.16.2015
4	Last Day to File Joint Pre-Trial Order		
5	(if no Dispositive Motions filed)	10.19.2015	01.18.2016

6 The parties respectfully request that this Stipulation and Order to Extend Discovery (First
7 Request) be granted, and that the Court adopt the proposed dates set forth above. The parties further
8 represent that this request is made in good faith and not for the purposes of delay.

9 **VI. CURRENT TRIAL DATE**

10 A trial date has not yet been set in this matter.

11 DATED this 29th day of May 2015.

DATED this 29th day of May 2015.

13 LAW OFFICE OF JULIE A. MERSCH

HARPER LAW GROUP

15 /s/ Julie A. Mersch

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15 /s/ James E. Harper

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21 **IT IS SO ORDERED.**

22 
23 **GEORGE FOLEY, JR.**

24 **United States Magistrate Judge**

25 **Dated: June 1, 2015**

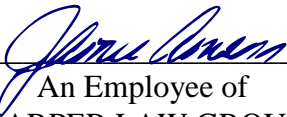
CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of HARPER LAW GROUP and that on the 29th day of May 2015 the foregoing document titled: **STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES (FIRST REQUEST)** was served upon the parties via the Court's e-Filing and service program, addressed as follows:

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